

LAW OFFICES

NISEN & ELLIOTT, LLC

SUITE 2500

200 WEST ADAMS STREET

CHICAGO, ILLINOIS 60606

TELEPHONE  
(312) 346-7800

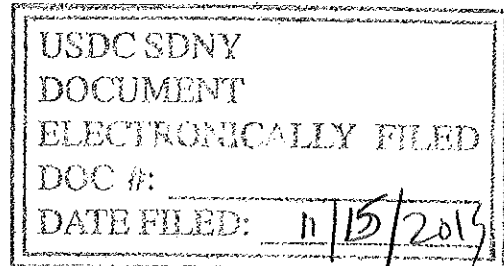
EMAIL  
DDAWSON@NISEN.COM

DANIEL P. DAWSON

November 13, 2019

Via ECF

The Honorable Denise Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, NY 10007



Re: Vista Food Exchange v. Calumet Diversified Meats and Andrew Becker  
Civil Action No. 1:19-cv-06097  
Defendants' Request To Adjourn Conference

Dear Judge Cote:

In response to Plaintiff's letter dated November 8, 2019, Defendants, Calumet Diversified Meats, Inc. and Andrew Becker (the "Presently Named Defendants") do not believe oral argument is necessary in order to decide the pending Motion To Dismiss For Lack Of Personal Jurisdiction, Or Alternatively Improper Venue (the "Motion To Dismiss").

In addition, the Presently Named Defendants believe it is premature to hold an initial pre-trial conference. Any pre-trial conference should not be held until after the pending Motion To Dismiss is decided. If the Motion To Dismiss is granted no pre-trial conference will be necessary (at least in this jurisdiction). Conversely, if this court were to attempt to assert jurisdiction over the Presently Named Defendants (over their objection), it is still premature to hold the initial pre-trial conference because a necessary and indispensable party has not yet been included as a party. Specifically, Berkshire Refrigerated Warehousing LLC: (1) appears to be a necessary and indispensable party; (2) has not yet been added as a party to this case; and (3) would likely need to be named as a defendant before any initial pre-trial conference should (or could meaningfully) be held. See, Motion To Dismiss and Exhibit H to Plaintiff's response to the Motion To Dismiss.

As a result, at this point, it is premature and unnecessary to hold the initial pre-trial conference and the Presently Named Defendants request that it be adjourned pending further order of court.

*The conference on 11/22 shall proceed as scheduled.*  
*Denise Cote*  
*11/14/19*

Sincerely,

A handwritten signature of Daniel P. Dawson in black ink.

Daniel P. Dawson

DPD/amd

cc: Jonathan C. Scott (w/out enclosures)  
Douglas R. Rosenzweig (w/out enclosures)